

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, November 29, 1939.

The City Council convened in regular session, at the regular meeting place in the Municipal Building, on November 29, 1939, at 10:55 A. M., with Mayor Tom Miller presiding, the meeting having been held on Wednesday preceding the traditional Thanksgiving Day of November 30. Roll call showed the following members present: Councilmen C. F. Alford, C. M. Bartholomew, Simon Gillis, Mayor Tom Miller; absent, Councilman Oswald G. Wolf.

The reading of the Minutes was dispensed with.

At the written request of W. R. Smith, Jr., Attorney for protestants, the public hearing on the change in zoning of the property abutting the west side of Congress Avenue between 14th and 15th Streets, which was continued from the last regular meeting, was again continued until the next regular meeting.

A petition bearing the signatures of a large number of taxpayers and residents of the City of Austin, asking that adequate street lights be installed on the Fredericksburg Road from the Barton Springs Road to the city limits, presented by Mrs. W. O. Quick and Mrs. Toney Burger, was received. The matter was referred to the City Manager and the Superintendent of the Electric Division for attention, it having been tentatively agreed that the bracket lights when removed from San Jacinto Boulevard would be used for this purpose.

It was moved by Mayor Miller that the City Manager be authorized to enter into the following agreement with the Texas State Highway Department:

" TEXAS STATE HIGHWAY DEPARTMENT

AGREEMENT BY MUNICIPALITY FOR FURNISHING WATER FOR MAINTENANCE
OF HIGHWAY IMPROVED UNDER PROVISIONS OF FEDERAL HIGHWAY ACT
AS AMENDED AND SUPPLEMENTED

The City of Austin, State of Texas, hereinafter referred to as CITY OF AUSTIN, and the Texas State Highway Department, hereinafter referred to as the HIGHWAY DEPARTMENT, hereby agree as follows:

Section A.

1. That the Highway Department will submit a project for the improvement of 2.150 miles of the rural highway from the north city limit of Austin to 2.150 miles north, known as U. S. Highway 81 (Old St. No. 2), and to be designated as Federal Aid project No. 4(6), furnishing and placing all of the water distribution system in the esplanade islands and all water main that is necessary for adequate water supply in these islands from Station 82424 to Station 180+00; and will recommend its approval by the Secretary of Agriculture for construction with funds apportioned to the State under the Federal Highway Act as amended and supplemented; subject, however, to the condition that the City of Austin shall provide sufficient water for its proper maintenance after completion of its improvement.

2. That the said City of Austin hereby requests the Highway Department to submit the aforementioned project with recommendation that it be approved by the Secretary of Agriculture, and agrees that if such project is approved and constructed by the Highway Department and the Secretary of Agriculture, it, therefore, at its own cost and expense, will provide sufficient water for the proper maintenance of the project after completion of its improvement; and will make ample provisions each year for all the water used; and furnish and maintain sufficient water meters to measure the amount of water used for the City's own information. (These meters shall be installed by the Contractor on the job.)

Section B.

1. That the Highway Department will submit a project for the improvement of 1.32 miles of the Municipal highway from 45th Street on Guadalupe to north city limit, known as U. S. Highway 81 (Old St. No. 2), and to be designated as Federal Aid project No. 4-B(3), and will recommend its approval by the Secretary of Agriculture for construction with funds apportioned to the State under the Federal Highway Act as amended and supplemented; subject, however, to the condition that the City of Austin shall, at its own cost and expense, furnish and install a six (6") inch water main from the City reservoir south to North Loop Street and provide sufficient pressure through this main to serve the distribution system in the esplanade islands throughout these limits.

2. That the said City of Austin hereby requests the Highway Department to submit the aforementioned project with recommendation that it be approved by the Secretary of Agriculture, and agrees that if such project is approved and constructed by the Highway Department and the Secretary of Agriculture, it, therefore, at its own cost and expense, shall furnish and install a six (6") inch water main from the City reservoir south to North Loop Street and provide sufficient pressure through this main to serve the distribution system designed in the esplanade islands; and furnish and maintain sufficient water meters to measure the amount of water used in the entire Federal Aid Project No. 4-B(3) for the City's own information. (These meters shall be installed by the Contractor on the job.)

IN WITNESS WHEREOF, the parties have hereunto affixed their signatures, the City of Austin on the 29th day of November, 1939, and the Highway Department on the ____ day of _____, 19____.

CITY OF AUSTIN

ATTEST:

City ClerkBy _____
City Manager

TEXAS HIGHWAY DEPARTMENT

By _____
Ass't Dist. Engineer

By _____

By _____

The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following ordinance was introduced by Councilman Gillis:

AN ORDINANCE PROVIDING FOR THE RECONSTRUCTION AND MAINTENANCE OF THE PORTION OF UNITED STATES HIGHWAY NO. 51 IN THE CITY OF AUSTIN, TEXAS; AUTHORIZING THE STATE OF TEXAS TO CONSTRUCT SUCH HIGHWAY OR STREET PROJECT ACCORDING TO AGREED PLANS AND SPECIFICATIONS; ASSUMING FOR THE CITY ALL LIABILITIES IN CONNECTION WITH THE PROJECT IMPOSED BY LAW; AUTHORIZING THE CITY MANAGER TO EXECUTE AN AGREEMENT WITH THE STATE OF TEXAS FOR SUCH CONSTRUCTION, AND MAKING THE STATE OF TEXAS THE AGENT OF THE CITY OF AUSTIN; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman Gillis moved that the rules be suspended and the ordinance be passed to its second reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The ordinance was read the second time and Councilman Gillis moved that the rules be further suspended and the ordinance be passed to its third reading. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The ordinance was read the third time and Councilman Gillis moved that the same be finally passed. The motion was seconded by Councilman Alford, and the same prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The Mayor announced that the ordinance had been finally passed.

The following resolution was introduced by Councilman Gillis, who moved its adoption:

WHEREAS, the Board of Trustees of the Austin Independent School District, by resolution, has recommended to the City Council final acceptance under FWA Docket TEX-2134-F of Contract No. 36, being that covering the Heating and Plumbing of the Boiler House at the John T. Allan Junior High School, and further recommended that an extension of time from August 15, 1939, to October 19, 1939, be granted this Contractor and that liquidated damages be waived; and

WHEREAS, there is attached to this resolution and made a part hereof a copy of the resolution by the Board of Trustees of the Austin Independent School District, above referred to, and also a copy of letter from the Supervising Architect's Office, recommending acceptance of said Contract and granting of extension of time and waiving of liquidated damages as above referred to; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ACTING FOR AND IN BEHALF OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT;

THAT the work under this contract be and the same is hereby accepted, and that extension of time be and is hereby granted, with liquidated damages waived, subject to concurrence by the Public Works Administration; and the City Manager is hereby authorized and instructed to sign any necessary papers in connection therewith.

(Resolution of School Board attached)

WHEREAS, The Board of Trustees of the Austin Independent School District has been advised by letter dated October 25, 1939, that the work of Young and Pratt covering the Heating and Plumbing of the Boiler House at the John T. Allan Junior High School has been satisfactorily completed according to Plans and Specifications as of October 19, 1939, and further advised that the overrun of time (August 15 to October 19) was not the fault of the contractor but that said delay was caused by the fact that the Owner did not provide the gas service lines to the Boiler House in time for completion prior to October 19, 1939; and

WHEREAS, the office of the Supervising Architect further recommends that the contract time of Young and Pratt be extended from August 15 to October 19, 1939, that any liquidated damages which might appear to have accrued be waived, and that final acceptance be made of the work under Contract No. 36;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Austin Independent School District that the following recommendation be sent to the City of Austin, acting for and in behalf of the Austin Independent School District in matters pertaining to the School Construction Program under FWA Docket TEX-2134-F, and that the following action be taken on Contract No. 36 with Young and Pratt:

- (a) Extension of time from August 15, 1939, to October 19, 1939;
- (b) Waiving of any liquidated damages;
- (c) Final acceptance of the work under that Contract.

I hereby certify that the foregoing resolution was introduced and unanimously adopted at the meeting of the Board of Trustees of the Austin Independent School District, held on November 27, 1939, at which a quorum was present and voted.

(Signed) Cousins Gregg
Secretary to the Superintendent of Public Schools, Austin, Texas.

(SEAL)

(Recommendations of Supervising Architects)

Austin, Texas
October 25, 1939

Mr. E. A. Murchison, President
Board of Trustees
Austin Independent School District
Austin, Texas

Re: Docket TEX-2134-F
Schools -Austin, Texas
Contract No. 36

Dear Sir:

We wish to report that final inspection of the heating and plumbing work for the Boiler House at the John T. Allan Junior High School was made by Mr. Iglehart, representing the School Board, Mr. L. D. Royer, Mechanical Engineer, representing the Supervising Architect's office, and Mr. Youngblood, representing the Public Works Administration, and that it was found that the work under that Contract had been satisfactorily completed according to Plans and Specifications as of October 19, 1939.

We wish to call your attention to the fact that the contract documents called for the completion of Contract No. 36 as of March 9, 1939. Before that date it was determined that it would not be convenient to the School Board to allow the contractor to do that part of his contract work which consisted of the connecting of hot water, steam and return mains in the present John T. Allan Junior High School, and the Board therefore instructed the contractor not to do any work which would interfere with school operations until after the close of the Spring Term of school; in other words, until after June 3.

By resolution adopted August 9, 1939, the Board extended the completion time under Contract No. 36 to August 15, 1939, and this was approved by the Public Works Administration under "Record of Contract Change No. 159-36-M2" (Docket Change Order No. 36-1-120).

You will note that the actual completion time is here listed as being October 19, 1939, in the place of August 15, 1939. The reason for this overrun of time is that the Specifications call for the contractor to make connection to the Public Service Company's gas lines when those gas lines were brought to the building line. The Specifications did not include bringing the service to the building as the School Board had a separate agreement with the Texas Public Service Company for extension of their service to the Boiler House.

It later developed that the Gas Company's nearest main from which an ample capacity of gas at proper pressure could be delivered was several blocks from the site, and the Gas Company was not willing to install this new service main until it had had an opportunity of making a survey of the probable future needs of that section of Austin, with the result that the Gas Company's service line was not brought to the building until about the middle of October, and then was not brought to the side of the building originally contemplated by the Plans on Contract No. 36. This delayed the contractor in the completion of the work and necessitated change in some of the work which had been installed. Since the delay in the completion of this was not through fault or neglect of the contractor, but due to the fact that the Owner did not, through other contracts, bring the gas service to the building so that Young and Pratt could complete their contract, it will now be proper for the Board to extend completion time from that set up by resolution of August 9, 1939 (August 15, 1939) to the actual completion date of October 19, 1939, and to waive liquidated damages.

We hereby recommend, therefore, that the Board of Trustees extend the contract time under Contract No. 36 to October 19, 1939, that the Board waive any liquidated damages which might appear to have accrued, and that final acceptance be made of the work of Young and Pratt under Contract No. 36.

Respectfully submitted,

GISECKE & HARRIS
SUPERVISING ARCHITECTS

By (Signed) Bertram E. Giesecke. "

The motion was seconded by Councilman Alford. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Gillis, who moved its adoption:

WHEREAS, the Board of Trustees of the Austin Independent School District, by resolution, has recommended to the City Council final acceptance under PWA Docket TEX-2134-F of Contract No. 61, being that of the Oklahoma City Scenic Company for Group A, Stage Equipment, as installed in the Baker Junior High School, the Fulmore Junior High School, and the Robert E. Lee Elementary School; and

WHEREAS, there is attached to this resolution and made a part hereof, a copy of the resolution by the Board of Trustees of the Austin Independent School District, above referred to, and also a copy of letter from the Supervising Architect's Office, recommending acceptance of said Contract; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ACTING FOR AND IN BEHALF OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT:

THAT the work under this Contract be and the same is hereby accepted, subject to concurrence by the Public Works Administration; and the City Manager is hereby authorized and instructed to sign any necessary papers in connection therewith.

(Resolution of School Board attached)

WHEREAS, final inspection of the Furnishings and Equipment embodied under Contract No. 61, PWA Docket TEX-2134-F, being that of the Oklahoma City Scenic Company for Group A, Stage Equipment, as installed in the Baker Junior High School, the Fulmore Junior High School, and the Robert E. Lee Elementary School, has been made by representatives of the Public Works Administration, of the Board of Trustees of the Austin Independent School District, and of the office of the Supervising Architect; and

WHEREAS, the office of the Supervising Architect has advised in writing that this Contract has been satisfactorily completed, and has recommended final acceptance of the work under this Contract;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Austin Independent School District that final acceptance be made and the same is hereby recommended to the City Council of the City of Austin, acting for and in behalf of the Austin Independent School District.

I hereby certify that the foregoing resolution was unanimously adopted at the regular meeting of the Board of Trustees of the Austin Independent School District, held on November 27, 1939, at which a quorum was present and voted.

(Signed) Cousins Gregg
Secretary to the Superintendent
of Public Schools, Austin,
Texas.

(SEAL)

(Recommendations of Supervising Architects)

"Austin, Texas
November 13, 1939.

Mr. E. A. Murchison, President
Board of Trustees
Austin Independent School District
Austin, Texas

Re: Docket TEX-2134-F
SCHOOLS - Austin, Texas,
Recommendation of Final
Acceptance of Contract
No. 61

Dear Mr. Murchison:

On or before October 23, 1939, the furnishings and equipment embodied under the above numbered Contract, being that of the Oklahoma City Scenic Company for Group A, Stage Equipment, as installed in the Baker Junior High School, the Fulmore Junior High School, and the Robert E. Lee Elementary School have been inspected by representatives of the Board of Trustees of the Austin Independent School District, of the office of the Resident Engineer Inspector of Public Works Administration, and of the office of the Supervising Architect, and have been found to comply with the terms of the Specifications and of the Contract existing which is based thereupon.

In consequence of the above statements, we hereby recommend formal final acceptance by the Board of Trustees of the work embodied in said Contract, and recommend payment of the Contract price, in

accordance with the statement rendered, and approved by the office of the Supervising Architect and of the Public Works Administration.

Yours very truly,

GIESCKE & HARRIS
Supervising Architects

By (Signed) A. W. Harris "

The motion was seconded by Councilman Alford. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Gillis, who moved its adoption:

WHEREAS, the Board of Trustees of the Austin Independent School District, by resolution, has recommended to the City Council final acceptance under FWA Docket TEX-2134-F of Contract No. 62, being that of the American Desk Manufacturing Company for Group B, Auditorium and Seating Equipment, as installed in the Baker Junior High School, the Fulmore Junior High School, and the Robert E. Lee Elementary School; and

WHEREAS, there is attached to this resolution and made a part hereof, a copy of the resolution by the Board of Trustees of the Austin Independent School District, above referred to, and also a copy of letter from the Supervising Architect's office, recommending acceptance of said Contract; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ACTING FOR AND IN BEHALF OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT:

THAT the work under this Contract be and the same is hereby accepted, subject to concurrence by the Public Works Administration; and the City Manager is hereby authorized and instructed to sign any necessary papers in connection therewith.

(Resolution of School Board attached)

WHEREAS, final inspection of the Furnishings and Equipment embodied under Contract No. 62, FWA Docket TEX-2134-F, being that of the American Desk Manufacturing Company for Group B, Auditorium and Seating Equipment as installed in the Baker Junior High School, the Fulmore Junior High School, and the Robert E. Lee Elementary School under the Contract of said American Desk Manufacturing Company, has been made by representatives of the Public Works Administration, of the Board of Trustees of the Austin Independent School District, and of the office of the Supervising Architect; and

WHEREAS, the office of the Supervising Architect has advised in writing that this Contract has been satisfactorily completed, and has recommended final acceptance of the work under this Contract; and

WHEREAS, an overrun of contract time of delivery of thirty-three (33) days has occurred, which is the result of the exercise of the Owner's option in the matter of increasing or decreasing the quantities purchasable under his contract option, and through which the Owner has not, in actuality, suffered any damage whatsoever, and therefore, hereby and herewith waives all liquidated damages which would accrue by reason of the said overrun of contract time of delivery; now, therefore,

Be It Resolved by the Board of Trustees of the Austin Independent School District that final acceptance be made and the same is hereby recommended to the City Council of the City of Austin, acting for and in behalf of the Austin Independent School District.

I hereby certify that the foregoing resolution was unanimously adopted at the regular meeting of the Board of Trustees of the Austin Independent School District, held on November 27, 1939, at which a quorum was present and voted.

(Signed) Cousins Gregg
Secretary to the Superintendent
of Public Schools, Austin, Texas.

(SEAL)

(Recommendations of Supervising Architects)

"Austin, Texas
November 27, 1939

Mr. E. A. Murchison, President
Board of Trustees
Austin Independent School District
Austin, Texas

Re: Docket TEX-2134-F
SCHOOLS-Austin, Texas
Recommendation of Final
Acceptance of Contract
No. 62

Dear Mr. Murchison:

On or before November 27, 1939, the furnishings and equipment embodied under the above numbered

contract, being that of the American Desk Manufacturing Company for Group B, Auditorium and Seating Equipment, as installed in the Baker Junior High School, the Fulmore Junior High School, and the Robert E. Lee Elementary School under the above numbered Docket, have been inspected by representatives of the Board of Trustees of the Austin Independent School District, of the office of the Resident Engineer Inspector of Public Works Administration, and of the office of the Supervising Architect, and have been found to comply with the terms of the Specification and of the Contract existing which is based thereupon.

The following exception to the above statement is cited, in order to bring to your attention the fact that in the performance of this Contract, the Contractor has overrun his contract time of delivery in the amount of thirty-three (33) days. You are reminded that this Contract has been performed in such a manner that we might be able to avail ourselves of the contract option of increasing or decreasing the quantities of items purchaseable thereunder, and that at your convenience the Auditorium Seating of the Robert E. Lee Elementary School has been provided and installed under the contract option. Your resolution of acceptance upon this contract should cite your pleasure in this regard.

In consequence of the above statements, we hereby recommend formal final acceptance by the Board of Trustees of the work embodied in said contract, and recommend payment of the Contract price, in accordance with the statement rendered, and approved by the office of the Supervising Architect and of the Public Works Administration.

Yours very truly,

GIESSECKE & HARRIS
Supervising Architects

By (Signed) A. W. Harris "

The motion was seconded by Councilman Alford. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Gillis, who moved its adoption:

WHEREAS, the Board of Trustees of the Austin Independent School District, by resolution, has recommended to the City Council final acceptance under FWA Docket TEX-2134-F of Contract No. 64, being that of the King Furniture Company for Library and Science Equipment, Group E, Sub-Group BB, Base Proposal No. 3; Mechanically Operated Refrigerators, Household Type, being Group I, Item No. 6; Bronze Commemorative Tablets, being Group I, Item No. 15, as installed in various Schools; and

WHEREAS, there is attached to this resolution and made a part hereof, a copy of the resolution by the Board of Trustees of the Austin Independent School District, above referred to, and also a copy of letter from the Supervising Architect's Office, recommending acceptance of said Contract; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ACTING FOR AND IN BEHALF OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT;

THAT the work under this Contract be and the same is hereby accepted, subject to concurrence by the Public Works Administration; and the City Manager is hereby authorized and instructed to sign any necessary papers in connection therewith.

(Resolution of School Board attached)

WHEREAS, final inspection of the Furnishings and Equipment embodied under Contract No. 64, FWA Docket TEX-2134-F, being that of the King Furniture Company for Library and Science Equipment, Group E, Sub-Group BB, Base Proposal No. 3; Mechanically Operated Refrigerators, Household Type, being Group I, Item No. 6; Bronze Commemorative Tablets, being Group I, Item No. 15, as installed in various Schools under the Contract of said King Furniture Company, has been made by representatives of the Public Works Administration, of the Board of Trustees of the Austin Independent School District, and of the office of the Supervising Architect; and

WHEREAS, the office of the Supervising Architect has advised in writing that this Contract has been satisfactorily completed, and has recommended final acceptance of the work under this Contract; and

WHEREAS, an overrun of contract time of delivery of

10 days upon the Items of Group E
11 days upon Item 15, Group I, and
8 days upon Item 6 of Group I

has occurred, through which the Owner has not, in actuality, suffered any damage whatsoever, and therefore, hereby and herewith waives all liquidated damages which would accrue by reason of the said overrun of contract time of delivery.

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Austin Independent School District that final acceptance be made and the same is hereby recommended to the City Council of the City of Austin, acting for and in behalf of the Austin Independent School District.

I hereby certify that the foregoing resolution was unanimously adopted at the regular meeting of the Board of Trustees of the Austin Independent School District, held on November 27, 1939, at which a quorum was present and voted.

(Signed) Cousins Gregg
Secretary to the Superintendent of Public Schools,
Austin, Texas

(SEAL)

(Recommendations of Supervising Architects)

"Austin, Texas
November 21, 1939

Mr. E. A. Murchison, President
Board of Trustees
Austin Independent School District
Austin, Texas

Re: Docket TEX-2134-F
SCHOOLS - Austin, Texas
Recommendation of Final
Acceptance of Contract
No. 64

Dear Mr. Murchison:

On or before November 10, 1939, the furnishings and equipment embodied under the above numbered Contract, being that of the King Furniture Company for Library and Science Equipment, Group E, Sub-Group BB, Base Proposal No. 3; Mechanically Operated Refrigerators, Household Type, being Group I, Item No. 6; Bronze Commemorative Tablets, being Group I, Item No. 15, as installed in various Schools under the above numbered Docket, have been inspected by representatives of the Board of Trustees of the Austin Independent School District, of the office of the Resident Engineer Inspector of Public Works Administration, and of the office of the Supervising Architect, and have been found to comply with the terms of the Specification and of the Contract existing which is based thereupon.

The following exception to the above statements is cited, in order to bring to your attention the fact that in the performance of this Contract, the Contractor has overrun his contract time of delivery in the following amounts:

10 days upon the Items of Group E;
11 days upon Item No. 15, Group I; and
8 days upon Item No. 6 of Group I

Your Resolution of Acceptance upon this Contract should cite your pleasure in this regard.

In consequence of the above statements, we hereby recommend formal final acceptance by the Board of Trustees of the work embodied in said Contract, and recommend payment of the Contract price, in accordance with the statement rendered, and approved by the office of the Supervising Architect and of the Public Works Administration.

Yours very truly,

GISECKE & HARRIS
Supervising Architects

By (Signed) A. W. Harris "

The motion was seconded by Councilman Alford. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Alford, who moved its adoption:

WHEREAS, the Board of Trustees of the Austin Independent School District, by resolution, has recommended to the City Council final acceptance under PWA Docket TEX-2134-F of Contract No. 65, being that of the Huey and Philp Hardware Company for Group F, Cafeteria Kitchen Equipment, as installed in various Schools under the above numbered Docket; and

WHEREAS, there is attached to this resolution and made a part hereof, a copy of the resolution by the Board of Trustees of the Austin Independent School District, above referred to, and also a copy of letter from the Supervising Architect's Office, recommending acceptance of said Contract now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ACTING FOR AND IN BEHALF OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT:

THAT the work under this Contract be and the same is hereby accepted, subject to concurrence by the Public Works Administration; and the City Manager is hereby authorized and instructed to sign any necessary papers in connection therewith.

(Resolution of School Board attached)

WHEREAS, final inspection of the Furnishings and Equipment embodied under Contract No. 65, PWA Docket TEX-2134-F, being that of the Huey and Philp Hardware Company for Group F, Cafeteria Kitchen Equipment, as installed in various Schools under the above numbered Docket, has been made by representatives of the Public Works Administration, of the Board of Trustees of the Austin Independent School District, and of the office of the Supervising Architect; and

WHEREAS, the office of the Supervising Architect has advised in writing that this Contract has been satisfactorily completed, and has recommended final acceptance of the work under this Contract; and

WHEREAS, an overrun of contract time of delivery of twenty-six (26) days has occurred, through which the Owner has not, in actuality, suffered any damage whatsoever, and therefore, hereby and herewith waives all liquidated damages which would accrue by reason of the said overrun of contract time of delivery; now, therefore,

BE IT RESOLVED by the Board of Trustees of the Austin Independent School District that final acceptance be made and the same is hereby recommended to the City Council of the City of Austin, acting for and in behalf of the Austin Independent School District.

I hereby certify that the foregoing resolution was unanimously adopted at the regular meeting of the Board of Trustees of the Austin Independent School District, held on November 27, 1939, at which a quorum was present and voted.

(Signed) Cousins Gregg
Secretary to the Superintendent
of Public Schools, Austin, Texas.

(SEAL)

(Recommendations of Supervising Architects)

"Austin, Texas
November 27, 1939

Mr. E. A. Murchison, President
Board of Trustees
Austin Independent School District
Austin, Texas

Re: Docket TEX-2134-F
SCHOOLS - Austin, Texas
Recommendation of Final
Acceptance of Contract
No. 65

Dear Mr. Murchison:

On or before November 27, 1939, the furnishings and equipment embodied under the above numbered Contract, being that of Huey and Philp Hardware Company for Group F, Cafeteria Kitchen Equipment, as installed in various Schools under the above numbered Docket, have been inspected by representatives of the Board of Trustees of the Austin Independent School District, of the office of the Resident Engineer Inspector of Public Works Administration, and of the office of the Supervising Architect, and have been found to comply with the terms of the Specification and of the Contract existing which is based thereupon.

The following exception to the above statements is cited in order to bring to your attention the fact that in the performance of this Contract the Contractor has overrun his contract time of delivery in the amount of twenty-six (26) days.

Your resolution of acceptance upon this Contract should cite your pleasure in this regard.

In consequence of the above statements, we hereby recommend formal final acceptance by the Board of Trustees of the work embodied in said Contract, and recommend payment of the Contract price, in accordance with the statement rendered, and approved by the office of the Supervising Architect and of the Public Works Administration.

Yours very truly,

GISECKE & HARRIS
Supervising Architects

By (Signed) A. W. Harris "

The motion was seconded by Councilman Gillis. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Bartholomew, who moved its adoption:

WHEREAS, the Board of Trustees of the Austin Independent School District, by resolution, has recommended to the City Council final acceptance under PWA Docket TEX-2134-F of Contract No. 67, being that of the Machinery Sales and Supply Company for Group H, Machine Equipment, as installed in various Schools under the above numbered Docket; and

WHEREAS, there is attached to this resolution and made a part hereof, a copy of the resolution by the Board of Trustees of the Austin Independent School District, above referred to, and also a copy of letter from the Supervising Architect's Office, recommending acceptance of said Contract; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ACTING FOR AND IN BEHALF OF THE AUSTIN

INDEPENDENT SCHOOL DISTRICT:

THAT the work under this Contract be and the same is hereby accepted, subject to concurrence by the Public Works Administration; and the City Manager is hereby authorized and instructed to sign any necessary papers in connection therewith.

(Resolution of School Board attached)

WHEREAS, final inspection of the Furnishings and Equipment embodied under Contract No. 67, PWA Docket TEX-2134-F, being that of the Machinery Sales and Supply Company for Group H, Machine Equipment, as installed in various Schools under the above numbered Docket, has been made by representatives of the Public Works Administration, of the Board of Trustees of the Austin Independent School District, and of the office of the Supervising Architect; and

WHEREAS, the office of the Supervising Architect has advised in writing that this Contract has been satisfactorily completed, and has recommended final acceptance of the work under this Contract; and

WHEREAS, an overrun of contract time of delivery of eight (8) days in connection with the major portion of the Equipment, and of fifty-eight (58) days on two minor items only, through which the Owner has not, in actuality, suffered any damage whatsoever, and therefore, hereby and herewith waives all liquidated damages which would accrue by reason of the said overrun of contract time of delivery;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Austin Independent School District that final acceptance be made and the same is hereby recommended to the City Council of the City of Austin, acting for and in behalf of the Austin Independent School District.

I hereby certify that the foregoing resolution was unanimously adopted at the regular meeting of the Board of Trustees of the Austin Independent School District, held on November 27, 1939, at which a quorum was present and voted.

(Signed) Cousins Gregg
Secretary to the Superintendent of
Public Schools, Austin, Texas.

(SEAL)

(Recommendation of Supervising Architects)

"Austin, Texas
November 27, 1939

Mr. E. A. Murchison, President
Board of Trustees
Austin Independent School District
Austin, Texas

Re: Docket TEX-2134-F
SCHOOLS-Austin, Texas
Recommendation of Final
Acceptance of Contract
No. 67

Dear Mr. Murchison:

On or before November 25, 1939, the Furnishings and Equipment embodied under the above numbered Contract, being that of the Machinery Sales and Supply Company for Group H, Machine Equipment, as installed in various Schools under the above numbered Docket, have been inspected by representatives of the Board of Trustees of the Austin Independent School District, of the office of the Resident Engineer Inspector of Public Works Administration, and of the office of the Supervising Architect, and have been found to comply with the terms of the Specification and of the Contract existing which is based thereupon.

The following exception to the above statements is cited in order to bring to your attention the fact that in the performance of this Contract the Contractor has overrun his contract time of delivery in the amount of eight (8) days, as to the major portion of the Equipment, and that this delay was occasioned by the Owner's inability to receive this Equipment at an earlier date; and further that the Contractor has overrun his actual time of completion in the amount of fifty-eight (58) days, over and above the contract time of delivery, on two minor items only.

Your Resolution of Acceptance upon this Contract should cite your pleasure in this regard.

In consequence of the above statements, we hereby recommend formal final acceptance by the Board of Trustees of the work embodied in said Contract, and recommend payment of the Contract price, in accordance with the statement rendered, and approved by the office of the Supervising Architect and of the Public Works Administration.

Yours very truly,

GIESECKE & HARRIS
Supervising Architects

By (Signed) A. W. Harris. "

The motion was seconded by Councilman Alford. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Bartholomew, who moved its adoption:

WHEREAS, the Board of Trustees of the Austin Independent School District, by resolution, has recommended to the City Council final acceptance under FWA Docket TEX-2134-F of the work of

McGraw Roofing Company, Contract No. 76,
Stack Ventilators, and

Tips Engine Works, Contract No. 77, Door
Grills,

both for certain Boiler Houses; and

WHEREAS, there is attached to this resolution and made a part hereof, a copy of the resolution by the Board of Trustees of the Austin Independent School District, above referred to, and also a copy of letter from the Supervising Architect's Office, recommending acceptance of said Contracts; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ACTING FOR AND IN BEHALF OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT:

THAT the work under these two Contracts be and the same is hereby accepted, subject to concurrence by the Public Works Administration; and the City Manager is hereby authorized and instructed to sign any necessary papers in connection therewith.

(Resolution of School Board attached)

WHEREAS, the office of the Supervising Architect advises that final completion within the contract period of the work of

McGraw Roofing Company, Contract No. 76,
Stack Ventilators, and

Tips Engine Works, Contract No. 77, Door
Grills,

both for certain Boiler Houses, has been satisfactorily completed, and recommends final acceptance of said Contracts;

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Austin Independent School District recommend to the City Council of the City of Austin, acting for the Austin Independent School District in matters pertaining to the Construction Program under FWA Docket TEX-2134-F, that the work of the McGraw Roofing Company and of the Tips Engine Works, under Contracts Nos. 76 and 77, respectively, be finally accepted.

I hereby certify that the foregoing resolution was introduced and unanimously adopted at the meeting of the Board of Trustees of the Austin Independent School District, held on November 27, 1939, at which a quorum was present and voted.

(Signed) Cousins Gregg
Superintendent of Public Schools,
Austin, Texas.

(SEAL)

(Recommendations of Supervising Architects)

"Austin, Texas
November 20, 1939.

Re: Docket TEX-2134-F
Schools - Austin, Texas
Contracts Nos. 76 and 77

Mr. E. A. Murchison, President
Board of Trustees
Austin Independent School District
Austin, Texas

Dear Sir:

We wish to advise that the work under Contract No. 76, McGraw Roofing Company, Stack Ventilators for certain Boiler Houses, has been satisfactorily completed according to Plans and Specifications and within the contract period set up; and that the work under Contract No. 77, Tips Engine Works, Door Grills for certain Boiler Houses, has been satisfactorily completed according to Plans and Specifications and within the contract period as set up.

We further advise that final inspection of all the work included under Contracts Nos. 76 and 77, including the extra work under Contract No. 77, has been inspected by representatives of the School Board, the Public Works Administration, and the Supervising Architect's office, and found to be complete and satisfactory. We, therefore, recommend that final acceptance be made of the work included under those two Contracts.

Respectfully submitted,

GIESCKE & HARRIS
Supervising Architects

By (Signed) B. E. Giesecke "

The motion was seconded by Councilman Alford. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller, nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Alford, who moved its adoption:

WHEREAS, the Board of Trustees of the Austin Independent School District, by resolution, has recommended to the City Council that an extension of contract time of delivery be granted to the Southwestern Specialty Company, Incorporated, Contract No. 71 under FWA Docket TEX-2134-F, to and including October 9, 1939, and that any and all penalty through liquidated damages arising from overrun of contract time of delivery be and is hereby waived; and

WHEREAS, there is attached to this resolution and made a part hereof a copy of the resolution by the Board of Trustees of the Austin Independent School District, above referred to, recommending said extension of contract time of delivery and waiving of liquidated damages; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN, ACTING FOR AND IN BEHALF OF THE AUSTIN INDEPENDENT SCHOOL DISTRICT:

THAT the Southwestern Specialty Company, Incorporated, Contract No. 71, FWA Docket TEX-2134-F, be and is hereby granted an extension of contract time of delivery to and including October 9, 1939, and that all liquidated damages in connection therewith be and are hereby waived, subject to concurrence by the Public Works Administration; and the City Manager is hereby authorized and instructed to sign any necessary papers in connection therewith.

(Resolution of School Board attached)

WHEREAS, it has been brought to the attention of the Owner that there exists an overrun of contract time of delivery upon Contract No. 71, being that of the Southwestern Specialty Company, Incorporated, and involving the purchase of four (4) Electric Ranges, Hotel Type, Docket TEX-2134-F, in that this Contract was completed upon the tenth day subsequent to the required date of delivery, September 25; and

WHEREAS, the Owner has suffered no damage whatsoever through the delay occurrent;

NOW, THEREFORE, BE IT RESOLVED, and it is RESOLVED, that this Contractor be granted an extension of contract time of delivery to and including October 9, 1939, that any and all penalty through liquidated damages arising from the cited overrun of contract time of delivery be and is hereby waived, and that this resolution be, and hereby is, commended to the City Council of Austin, acting for and in behalf of the Austin Independent School District, with the request that that body concur in the sentiments herein expressed.

I hereby certify that the foregoing resolution was introduced and unanimously adopted at the meeting of the Board of Trustees of the Austin Independent School District, held on November 27, 1939, at which a quorum was present and voted.

(Signed) Cousins Gregg
Superintendent of Public Schools,
Austin, Texas.

(SEAL)

The motion was seconded by Councilman Bartholomew. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Alford, who moved its adoption:

WHEREAS, Texas Public Service Company has presented to the City Council tentative maps or plans showing the proposed construction of its gas mains in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Council; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Texas Public Service Company be and the same is hereby permitted to lay and construct its

gas mains in and upon the following streets:

(1) A gas main in WOODMONT AVENUE across Sharon Lane intersection, the centerline of which gas main shall be 10 feet north of and parallel to the south line of said Woodmont Avenue.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(2) A gas main in SHARON LANE from Woodmont Avenue southerly 25 feet, the centerline of which gas main shall be 10 feet east of and parallel to the west line of said Sharon Lane.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(3) A gas main in GRISWOLD LANE from Sharon Lane westerly 25 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said Griswold Lane.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(4) A gas main in JOSEPHINE STREET from Barton Springs Road northerly 251 feet, the centerline of which gas main shall be $12\frac{1}{2}$ feet west of and parallel to the east line of said Josephine Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(5) A gas main in SABINE STREET from a point 218 feet north of East 21st Street northerly 98 feet, the centerline of which gas main shall be 28 feet west of and parallel to the east line of said Sabine Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(6) A gas main in EAST 14TH STREET from Salina Street westerly 189 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said East 14th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(7) A gas main in EAST 7TH STREET from Chicon Street easterly 288 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north line of said East 7th Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(8) A gas main in EAST 2ND STREET across Perdenales Street intersection, the centerline of which gas main shall be 19 feet south of and parallel to the north property line of said East 2nd Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(9) A gas main in PERDENALES STREET from East 2nd Street southerly 125 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet west of and parallel to the east property line of said Perdenales Street.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(10) A gas main in BRIDLE PATH from a point 201 feet west of Courtland Lane westerly 166 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Bridle Path.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

(11) A gas main in HANCOCK DRIVE from Woodview Avenue easterly 146 feet, the centerline of which gas main shall be $7\frac{1}{2}$ feet south of and parallel to the north property line of said Hancock Drive.

Said gas main described above shall have a covering of not less than $2\frac{1}{2}$ feet.

The Texas Public Service Company is hereby put upon notice that the City of Austin does not guarantee that the space assigned above is clear from other underground utilities, but is based upon the best records we have at hand, and that the minimum depth stated does not have any reference to the fact that greater depths may not be required at special points. When the Texas Public Service Company requires definite information upon the ground as to elevations or working points from which to base the location of their assignments, they shall apply to the City Engineering Department not less than three (3) days before such information is required. The Texas Public Service Company is further put upon notice that they will be required to bear the expense of repairs or replacement of any underground utility damaged during the construction of lines named in this resolution.

AND THAT whenever pavement is cut in the vicinity of a fire plug, water must be used at intervals during the course of backfilling of the ditches.

THAT the work and laying of said gas mains, including the excavation in the streets and the restoration and maintenance of said streets after said mains have been laid, shall be under the supervision and direction of the City Manager, and under all the pertinent terms and conditions of the certain franchise granted to said Company by the City of Austin.

The motion was seconded by Councilman Gillis. The motion, carrying with it the adoption of the resolution, prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

Upon motion of Councilman Bartholomew, the City Manager was instructed to go before the Board of Regents of the University of Texas at their next meeting and submit a proposal for the building of a tunnel under San Jacinto Boulevard from the Campus of the University to the main entrance of the Stadium in order to facilitate traffic and lessen the hazard.

The following resolution was introduced by Councilman Gillis, who moved its adoption:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN;

THAT the City Council of the City of Austin hereby approves as a filling station site the property described as Lots 1 and 2, Block A, of Graham Addition, a subdivision within the City of Austin, Travis County, Texas, which property abuts the south side of West 6th Street at a location adjacent to the east right-of-way line of the I&GN Railroad, and which property is owned by Dan Craddock, acting by and through H. F. Kuehne, Architect, and hereby authorizes the said Dan Craddock to construct, maintain and operate a drive-in gasoline filling station and to construct curbs, sidewalks and commercial driveways in conjunction therewith, subject to the same's being constructed in compliance with all the ordinances relating thereto, and further subject to the foregoing attached recommendations and plans; and the Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted subject to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of proper police, traffic and fire regulations; and the right of revocation is retained if, after hearing, it is found by the City Council that the said Dan Craddock has failed and refused, and will continue to fail and refuse to perform any such conditions, regulations and ordinances.

(Recommendations attached and made a part hereof)

"Austin, Texas
November 29, 1939.

Mr. Guiton Morgan
City Manager
Austin, Texas

Dear Sir:

We, the undersigned, have considered the application of Dan Craddock, acting by and through H. F. Kuehne, architect, for permission to construct, maintain and operate a drive-in gasoline filling station and to construct commercial driveways across the sidewalk area in conjunction therewith, upon property abutting the south side of West 6th Street at a location adjacent to the east right-of-way line of the I&GN Railroad within the City of Austin, Travis County, Texas, which property is described as Lots 1 and 2, Block A, of Graham's Addition, and the property upon which this filling station is to be located is owned by the said Dan Craddock, and we hereby advise that the following conditions exist:

The property upon which this filling station is to be located is designated as "C" Commercial Use District upon the zoning maps of the City of Austin.

The drainage from this filling station should be concentrated into a seep well located upon the property of the applicant.

We recommend that Dan Craddock, acting by and through H. F. Kuehne, Architect, be granted permission to construct, maintain and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith, subject to the following conditions:

(1) That all buildings and equipment shall be placed inside of the property line, correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the City Engineering Department for entrances and driveways, building lines to be approved by the City Building Inspector. That the applicant shall confer with the City Engineering Department as to the future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

(2) That all construction of the filling station improvements shall be in accord with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accord with the ordinance prohibiting the disposal of commercial water or oils upon the City streets.

(3) That the grades of the station shall be such that no waste oils or water or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2-H-146, and shall be conducted by a pipe connection from said sand trap to the nearest storm sewer at the expense of the applicant, or shall be concentrated into a seep well located upon

the property of the applicant. Before commencement of any construction, the applicant shall apply to the City Engineer for an estimate of the cost of that portion of the storm sewer which will have to be built within any City street or alley and shall deposit in escrow a sum equal to said estimate with the City Finance Director.

(4) That all filling station improvements, pumps, driveways, ramps, gutters, sidewalks and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan hereto attached, which plan bears the City Engineer's file number 2-A-147.

(5) Expansion joints shall be constructed as shown upon the plan hereto attached, marked 2-A-147, and shall be of the pre-moulded type.

(6) That before us of said station, the owner shall apply to the Building Inspector for final inspection when he considers that he has complied with all the requirements of the City.

Respectfully submitted,

J. E. Motheral
City Engineer

J. C. Eckert
Building Inspector. "

The motion was seconded by Councilman Alford. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Gillis, who moved its adoption:

WHEREAS, Dan Craddock, acting by and through H. F. Kuehne, Architect, owner of Lots 1 and 2, Block A, of Graham's Addition, which property abuts the south side of West 6th Street at a location adjacent to the east right-of-way line of the I&GN Railroad, has made application to the City Council of the City of Austin for permission to set the curb back from the established curb line on the south side of West 6th Street adjacent to the above described property, thereby relieving traffic conditions at the location by creating a greater width of travelway on West 6th Street; and

WHEREAS, said Dan Craddock, acting by and through H. F. Kuehne, Architect, has also made application for permission to construct a commercial driveway across the sidewalk area in conjunction with the above described curb setback, which driveway is to begin at the newly established curb line of the above described setback; and

WHEREAS, a plan has been prepared showing the proposed layout of the above described setback and commercial driveway and said plan has been considered and approved by the City Council of the City of Austin; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT Dan Craddock, owner of Lots 1 and 2, Block A, Graham's Addition, City of Austin, Travis County, Texas, which property abuts the south side of West 6th Street at a location adjacent to the east right-of-way line of the I&GN Railroad, is hereby granted permission to set the curb back from the established curb line on West 6th Street adjacent to the above described property and to construct a commercial driveway in conjunction therewith.

Permission to construct the above described curb setback and commercial driveway is granted subject to the same's being constructed in accordance with the plan approved by the City Engineer of the City of Austin, which plan is hereby attached, marked 2-A-147, and made a part hereof, and in accordance with the following conditions:

(1) That the construction of the setback area on West 6th Street shall be carried out in accordance with the accompanying plan 2-A-147, and that all such widened areas, driveways, or ramps and curbs shall be constructed of concrete at the expense of the applicant.

(2) That all such concrete shall be not less than 6 inches in thickness and shall be of the following proportions: 1 part cement, 2½ parts of sand, and 4 parts of screened gravel or rock.

(3) That the concrete curbs adjacent to the sidewalk area shall be not less than 6 inches high and that an expansion joint not less than ¾ inch thick shall be placed between the curb and the sidewalk as shown on the plan hereto attached marked 2-A-147.

(4) That all such expansion joints shall be of the pre-moulded type.

(5) That all concrete work within the street area shall be done by a bonded sidewalk contractor.

(6) That the applicant shall be required to clean the newly created ramp area at least twice

per week and shall dispose of the debris at his expense.

(7) That all work shall be done in accordance with lines and grades furnished by the Engineering Department of the City of Austin and under the direction of the City Engineer.

The motion was seconded by Councilman Alford. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Alford, who moved its adoption:

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its pole lines in the streets in the City of Austin hereafter named, and said maps or plans have been considered by the City Engineer; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be, and the same is hereby, permitted to construct its pole lines in the following streets:

(1) A telephone pole line in EAST 22ND STREET from Stafford Street to Walnut Avenue, the centerline of which pole line shall be 8½ feet south of and parallel to the north property line of said East 22nd Street.

(2) A telephone pole line in EAST 4TH STREET from Federnales Street easterly approximately one block, the centerline of which pole line shall be 8½ feet north of and parallel to the south property line of said East 4th Street.

THAT the work and construction of said pole lines, including the excavation of the streets and the restoration and maintenance of said streets after said pole lines have been constructed, shall be under the supervision and direction of the City Manager, and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The motion was seconded by Councilman Bartholomew. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following resolution was introduced by Councilman Bartholomew, who moved its adoption:

WHEREAS, A. S. Hull is the Contractor for the alteration of a building located at 217-219 West 6th Street and desires a portion of the sidewalk space abutting Lot 11, Block 53, of the Original City of Austin, Travis County, Texas, during the alteration of the building, such space to be used in the work and for the storage of materials therefor; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

1. THAT space for the uses hereinabove enumerated be granted to said A. S. Hull, the boundary of which is described as follows:

SIDEWALK WORKING SPACE

Beginning at the northwest corner of the above described property; thence in a northerly direction and at right angles with the centerline of West 6th Street to a point 4 feet south of the south curb line of West 6th Street; thence in an easterly direction and parallel with the centerline of West 6th Street, 46 feet to a point; thence in a southerly direction and at right angles with the centerline of West 6th Street to the northeast corner of the above described property.

2. THAT the Contractor be permitted to drive in across the sidewalk for the purpose of permitting trucks to drive in the building to make a dirt fill and to deliver materials within the building and that the Police Department mark off a "No Parking" zone for this purpose and at a point agreed upon between the Police Department and the Contractor.

3. THAT the above privileges and allotment of space are granted to the said A. S. Hull, hereinafter termed "Contractor," upon the following express terms and conditions:

(1) That the Contractor shall construct a guard rail within the boundary line along the west, north and east line of the above described space, such guard rail to be at least 4 feet high and substantially braced and anchored.

(2) That the Contractor is permitted to construct in his working space a substantial gate which shall be kept closed at all times when not in use, and at all times that such gate is open, the

Contractor shall maintain a person at this gate to warn pedestrians and vehicles of approaching trucks. This gate is not to open out so as to impede vehicular or pedestrian traffic.

(3) That no vehicles in loading or unloading material at the working space shall park on any part of the street outside of the allotted working space.

(4) That the Contractor shall in no way obstruct any fire plugs or other public utilities in the construction of such barricades.

(5) That provision shall be made for the normal flow of all storm waters in the gutter and the Contractor will be responsible for any damage done due to obstruction of any such storm water.

(6) That the Contractor shall place on the outside corners of any walkway, barricades or obstructions, red lights during all periods of darkness and provide lighting system for all tunnels.

(7) That the Contractor shall remove all fences, barricades, loose materials and other obstructions on the sidewalk and street immediately after the necessity for their existence on said sidewalk has ceased, such time to be determined by the City Manager, and in any event all such sidewalk, barricades, materials, equipment, and other obstructions shall be removed not later than January 15, 1940.

(8) That the City reserves the right to revoke at any time any and all the privileges herein granted, or to require the erection or installation of additional barriers or safeguards if the conditions demand it,

(9) That the use and enjoyment of the spaces herein granted shall not be exclusive as against public needs, and the City, in making such grant, reserves the right to enter and occupy any part or all of said space any time with its public utilities, or for other necessary public purposes.

(10) That any public utility, or public or private property, disturbed or injured as a result of any of the activities necessary for the completion of the construction work for said building projects, whether done by the Contractor, City forces, or public utilities, shall be replaced or repaired at the Contractor's expense.

(11) That the Contractor shall furnish the City of Austin a surety bond in the sum of One Thousand Dollars (\$1000.00), which shall protect, indemnify, and hold harmless the City of Austin from any claims for damages to any person or property that may accrue to or be brought by any person by reason of the exercise of the privileges granted the Contractor by the City of Austin, and shall guarantee the replacement of all sidewalks, pavement, and all other public property and public utilities disturbed or removed during the construction work, and shall further guarantee the construction of a walkway and other safeguards during the occupancy of the space.

The motion was seconded by Councilman Alford. The motion, carrying with it the adoption of the resolution, was carried by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, and Mayor Miller; nays, none; Councilman Wolf absent.

The following communication from the City Manager was received:

"November 27, 1939.

Memorandum to

THE CITY COUNCIL

On several occasions during the past few months, it has been called to my attention that the east driveway in Pease Park is becoming a hazard to children using this park. This is caused not only by cars using the driveway but by cars leaving the drive and going over the park.

I am recommending that you therefore authorize the closing of this east driveway by suitable barricades, but this is not, however, a permanent vacation of the street as it can be opened at any time that it becomes necessary to do so. This has been checked with the Engineering and Recreational Departments and they advise that no complications will be involved.

(Signed) Guiton Morgan
City Manager.

Councilman Bartholomew moved that the City Manager be authorized to close the east driveway in Pease Park temporarily, as recommended in the foregoing memorandum. The motion prevailed by the following vote: Ayes, Councilmen Alford, Bartholomew, Gillis, Mayor Miller; nays, none; Councilman Wolf

absent.

Councilman Bartholomew brought before the meeting the matter of the deplorable condition existing in Oakwood Annex caused by sagging monuments. After discussion, it was the consensus of opinion that the only remedy for the situation would be to require that all monuments be erected under a building permit from the City, setting forth certain regulations as to foundations, etc.

Upon motion, seconded and carried, the meeting was recessed at 12:10 P. M., subject to call of the Mayor.

Approved: Tom Miller
Mayor

Attest:

Hallie Mc Kellan
City Clerk

REGULAR MEETING OF THE CITY COUNCIL:

Austin, Texas, December 7, 1939.

The City Council convened in regular session, at the regular meeting place in the Council Chamber of the Municipal Building, on Thursday, December 7, 1939, with Mayor Tom Miller presiding. Roll call showed the following members present: Councilmen C. F. Alford, Simon Gillis, and Mayor Tom Miller; absent, Councilmen C. M. Bartholomew and Oswald G. Wolf.

The reading of the Minutes was dispensed with.

At the request of the Attorneys in the matter, the public hearing on the rezoning of the property on the west side of Congress Avenue between 14th and 15th Streets, which was continued from the last regular meeting, was continued again until the next regular meeting.

The written application of Mrs. Ocie Lee Blankenship, through her Attorney, Horace H. Shelton, for a change in zoning of the property at 2324 South Congress Avenue, known as the Cora Lee Courts, from "C" Commercial District to "C-2" Commercial District, was received. The matter was referred to the Board of Adjustment for consideration and recommendation, and a public hearing on same was called for Thursday, January 4, 1940, at 11:00 A. M.

The following report of the Board of Adjustment was received:

"Austin, Texas
November 29, 1939

The Honorable Mayor and City Council
Austin, Texas

Gentlemen:

The following is a copy of a resolution which was passed by the Board of Adjustment at a meeting held on November 28, 1939:

R E S O L U T I O N .

WHEREAS, the City Council of the City of Austin, pursuant to the terms of Section 30 of the